



# Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants

Marice Ashe, JD, MPH, David Jernigan, PhD, Randolph Kline, JD, and Rhonda Galaz, JD

We desired to understand how legal tools protect public health by regulating the location and density of alcohol, tobacco, firearms, and fast food retail outlets. We reviewed the literature to determine how land use regulations can function as control tools for public health advocates.

We found that land use regulations are a public health advocacy tool that has been successfully used to lessen the negative effects of alcohol retail outlets in neighborhoods. More research is needed to determine whether such regulations are successful in reducing the negative effects of other retail outlets on community health. (*Am J Public Health*. 2003; 93:1404–1408)

## SINCE THE FIELD OF LAND USE

planning and zoning originally developed in response to public health needs, there is a close intellectual and practical fit between land use goals and sound public health practice.<sup>1</sup> There is both substantial public health experience in and a strong legal basis for using local zoning and land use powers to achieve the public health goal of limiting the availability of consumer products proven to be harmful to health. In this article, we review the history and importance of local government use of its police power to protect public health, describe more recent invocations of police

power to limit the availability of alcoholic beverages, and discuss the prospects for using these policy tools to improve public health by limiting the availability of tobacco, firearms, and nutritionally deficient foods.

## POLICE POWERS

“Police power” is the inherent authority of the state (and, through delegation, local governments) to enact laws and promulgate regulations to protect, preserve, and promote the health, safety, morals, and general welfare of the people.<sup>2</sup> To achieve these communal benefits, the state retains the power to restrict, within federal and state constitutional limits, private interests: personal interests in autonomy, privacy, association, and liberty as well as economic interests in freedom to contract and uses of property.<sup>2,3</sup>

For more than a century, a government’s police power has been used to justify regulating the use of land.<sup>4</sup> Courts have upheld the delegation of these broad powers to state and local governments on the basis of, first, the Tenth Amendment to the US Constitution, which delegates police power to the states, and, second, state constitutions, which typically delegate police powers to local governments (see, for example, Article 11 of the Califor-

nia Constitution).<sup>5</sup> Police power is broad in scope and elastic in nature, expanding to meet the changing needs of modern life.<sup>6–8</sup>

Subject to federal and state constitutional limits, an ordinance promulgated by a state or local government is legitimate so long as the use of police power has a rational relationship to a legitimate state purpose such as protection of the public’s health, morals, safety, or general welfare.<sup>8</sup> Governments may find the rational basis for their ordinances in scientific studies or other types of less rigorous data or information that arguably support a legislative body’s conclusion that a regulation is justified. Epidemiological reports and public health data are strong grounds upon which to base government policies or local ordinances. Because government agencies are provided broad discretion in determining which policies or ordinances are needed to protect the health, safety, welfare, and morals of their community, the ordinances will be upheld in court unless they are arbitrary, capricious, or entirely lacking in evidentiary support.<sup>9–11</sup>

## LAND USE CONTROLS

Local governments use police powers to restrict a private property right so as to avoid harm to the public.<sup>12</sup> A primary way that

police powers are expressed is through city planning and public health departments using their respective powers to further the public good. In fact, the modern disciplines of public health and city planning developed from common roots with similar objectives, strategies, and standards.<sup>1</sup>

During the 19th century, land use planning emerged as a mechanism designed to address 2 endemic public health problems: tuberculosis and cholera. The spread of disease was associated with pervasive overcrowding, a lack of sanitation, poor hygiene, insufficient water supply, insufficient fresh air, limited opportunity for outdoor recreation, and long working hours in the factories and mills.<sup>13</sup> Reformers, most notably Edwin Chadwick, were the driving force behind the sanitary laws that formed the basis of both city planning and public health practice. In 1843 in England, these innovative laws culminated in the first comprehensive public health act.<sup>13</sup> While this act did not include zoning as a specific regulatory function of government, it did call for the mapping of sewage facilities to ensure that new dwellings were equipped with drains and lavatories.<sup>13</sup>

New York City was the forerunner of modern zoning; in the 1890s, it established design standards to ensure that light, air,



water, and sewage were available to residents of tenement houses.<sup>14</sup> Zoning ordinances apply both general and location-specific restrictions on certain uses of property. They establish the uses of property in different areas or “zones” within a government’s geographic boundaries. For example, residential, commercial, industrial, or agricultural zones determine where housing, shopping, manufacturing, and animal husbandry may or may not occur within the jurisdiction. Mixed-use zones allow a variety of activities to occur in the same area. Ideally, zoning ensures that activities that should be near each other—such as housing and grocery stores—can be near each other and that those activities that should be separated—such as housing and heavy industry—are indeed separate.

The Standard State Zoning Enabling Act, ultimately enacted in nearly every municipality in the nation (except Houston, Tex),<sup>13</sup> was developed by the US Department of Commerce in the 1920s to assist in the delegation and spreading of zoning powers from state to local governments, and it included promotion of “health and general welfare” as one goal of zoning.<sup>15</sup> In 1926, the US Supreme Court confirmed that cities and counties possessed the necessary police powers of the state to regulate public and private land uses for the “health, safety, welfare, and morals” of the people of those jurisdictions.<sup>16</sup> The court stated that the need for zoning regulations “is so apparent that they are now uniformly sustained” and that the “scope of their application must expand or

contract to meet the new and different conditions which are constantly coming within the field of their operation.”<sup>16</sup>

Conditional use permits (CUPs), sometimes called “special use permits” or “special exceptions,” are a refinement of zoning powers whereby the government makes exceptions for specific uses of land otherwise prohibited by general zoning controls as long as the property owner meets certain conditions.<sup>4</sup> With a CUP requirement, a local government can make an *individualized* determination as to suitability of a proposed use in a particular location.<sup>17</sup> CUPs give governments additional flexibility to determine whether a particular proposed use is compatible with existing, neighboring uses of property and afford an opportunity to impose particularized conditions to mitigate potential problems posed by the use. They also give governments the ability to deny a zoning request if the applicant cannot show a community “need” for the proposed use.<sup>18,19</sup>

Public health advocates have reconnected with the historic roots of zoning controls as a mechanism for promoting public health and welfare and have applied the traditional city planning tools of zoning and CUPs to modern issues of public health protection. In addition to a familiar focus on vector control and building codes—which are still pressing public health concerns in communities plagued by antiquated or inadequate public infrastructures or dilapidated housing—public health advocates are using zoning and other land use tools to control the proliferation and negative public health ef-

fects of alcohol, tobacco, and gun sales in urban environments. While there is significant variation among states regarding local authority to control these types of outlets,<sup>20,21</sup> zoning tools nonetheless offer creative new opportunities for communities to exert control over public health, safety, and welfare as deemed necessary at the local level.

### Alcohol Control and Land Use

Since the mid-1970s, a growing international body of public health research has validated the hypothesis that even relatively small increases in the availability of alcohol generally lead to increases in alcohol consumption, which in turn produce an increase in alcohol-related problems.<sup>22–27</sup> While this general link will vary on the basis of changes in the physical, economic, and social availability of alcohol, as well as the social, cultural, and economic contexts in which availability occurs, the public health literature describes a positive association between physical availability of alcohol and increased sales, independent of prices.<sup>28</sup> This association has led the World Health Organization to conclude that reducing the physical availability of alcohol through limitations on the number and placement of outlets will result in reductions in alcohol-related problems.<sup>29</sup>

Following on the promise of early research showing links between alcohol availability limits and rates of liver cirrhosis<sup>30,31</sup> and drunk driving,<sup>32</sup> researchers in the 1990s used increasingly sophisticated methodologies to establish relationships between

alcohol availability and alcohol-related problems. Using 1990 data from 72 cities in Los Angeles County, Scribner et al. found densities of restaurants, liquor stores, and mini-markets (but not bars) to be strongly correlated with motor vehicle crashes causing personal injury.<sup>33</sup>

Subsequent studies have also revealed strong links between violence and alcohol availability. Such links are complex, and they are part of the multicausal relationship between alcohol and violence. The increased consumption arising from greater alcohol availability may lead to more frequent incidents of intoxication, in which personal expectations about alcohol’s supportive role in violence or alcohol’s pharmacological effects as a disinhibitor of aggressive impulses may come into play.<sup>34</sup> Increased numbers of drinking places may provide situationally appropriate settings for violence<sup>35</sup> or for group intoxication, which may increase the possibility of violence occurring.<sup>34</sup>

Research support for the link between alcohol and violence comes from subsequent work by Scribner et al., who found that, independent of measured confounders such as unemployment, racial/ethnic makeup, income, and age, alcohol outlet density was correlated with violent assault to the extent that one outlet was associated with 3.4 additional offenses in 1990.<sup>36</sup> Similarly, Speer et al. found, in analyzing various census tracts in Newark, NJ, that alcohol outlet density was a significant predictor of rates of violent crime.<sup>37</sup> Alaniz et al., looking at violence among young people in 3



cities, again found a statistically significant relationship with outlet density.<sup>38</sup>

Recent studies have refined our understanding of the connection between physical availability by showing a significant relationship between alcohol problems and alcohol availability in census tracts and the even smaller unit of census blocks.<sup>39</sup> This new work offers 2 important lessons. For researchers, it suggests the importance of examining alcohol availability in the smallest units possible; aggregating data in large geographic units may mask the connection between availability and associated problems. For practitioners, the research suggests the importance of zoning decisions regarding individual outlets within a particular neighborhood setting.

In the 1980s, alcohol control advocates began community-based campaigns designed to limit the proliferation of retail alcohol outlets and to address the secondary effects of alcohol sales, such as public and domestic violence, drunk driving, loitering, prostitution, illegal drug sales, and the like, based on the public health research just described. Over the past 2 decades, alcohol control advocates have secured passage of innovative local ordinances, subjected them to testing in the courts, and compiled substantial experience in their implementation.

*Innovative local ordinances.* In the mid-1980s, California communities took the lead in a trend toward passing zoning and CUP regulations affecting the location and operation of alcohol outlets.<sup>40</sup> By 1993, approximately half of the

state's 475 cities had CUP requirements for on-sale and off-sale alcohol outlets.<sup>41</sup> Such ordinances placed restrictions on new alcohol outlets, including, for example, limits on the number and concentration of outlets in a neighborhood, limits on placement of outlets in proximity to each other and to schools or playgrounds, and restrictions on hours of service and the amount and nature of signage visible from the street.

*Testing in the courts.* Courts have confirmed that local governments may impose alcohol-related land use restrictions even in localities where the state has preempted local control over the sale of alcohol products. The courts base this determination on the rational relationship between alcohol availability and its secondary effects on public health, safety, and welfare.<sup>42,43</sup> Courts have found that local power over land use is so strong that it can be used to regulate the operation of alcohol outlets despite the state's exclusive authority over alcohol sales.

For example, in the aftermath of the 1992 Los Angeles riots, liquor store owners in the city's heavily damaged south-central neighborhood sought to rebuild. However, in the years before the riots, Los Angeles, like many other California communities, had begun requiring CUPs for all new alcohol outlets in the city.<sup>42</sup> (Typical prerequisites to rebuilding required an owner "to agree to remove graffiti promptly, provide adequate lighting, remove trash, provide a security guard and, in some instances, limit hours of operation."<sup>42</sup>) The CUP requirement essentially blocked many stores

from reopening because, having been closed for a certain period of time, they were considered "new" stores under the law and therefore required CUPs.<sup>42</sup> Affected owners challenged the CUP ordinance as being both preempted by state law and unconstitutional.<sup>42</sup> The Court of Appeals upheld the city's ordinance, confirming that "the local regulation is a valid exercise of the City's authority to enact zoning and land-use regulations."<sup>42</sup>

A similar challenge followed the enactment of the city of Oakland's CUP ordinance.<sup>43</sup> Existing alcohol outlets claimed that the imposition of performance standards for the operation of existing liquor stores was preempted by state law and unconstitutional.<sup>43</sup> The Court of Appeals again confirmed a local government's power in using land use ordinances to protect public health, holding that "a city may properly enact a local ordinance to control and abate nuisance activities, despite the fact that the business that would be regulated by the ordinance possessed grandfather rights that might ordinarily render it immune from compliance with local ordinances."<sup>43</sup> "No business—not even an alcoholic beverage sales establishment regulated by state law—has a vested right to conduct its business in a manner that attracts public nuisances and encourages criminal activities near its premises."<sup>43</sup>

In summary, a robust set of research studies demonstrate the link between alcohol availability and alcohol-related problems. Furthermore, court decisions affirm that a local government, in pursuit

of public health goals, may employ land use law to influence alcohol availability. The research findings provide a basis for hypothesizing a similar effect for tobacco availability.

### Tobacco Control and Land Use

Many state and local governments have passed measures regulating retail sales practices of tobacco outlets (e.g., laws prohibiting sales to minors, laws banning self-service displays of tobacco products, laws requiring retail clerks to be of legal age to buy tobacco in order to sell tobacco, and even laws regulating the minimum price of tobacco). However, largely unexplored by tobacco control advocates are the zoning tools used in alcohol control that could limit the location and number of tobacco retail outlets.

Although no court has yet issued an opinion directly addressing tobacco-related land use controls, it is likely that regulating land use to further tobacco control policy is on an even stronger legal footing than it is in the case of alcohol control. California and many other states have preemptive state laws governing alcohol sales. As a result, local communities must rely on the secondary effects of alcohol consumption to justify land use restrictions to overcome the legal challenge that state law preempts any local regulation of alcohol sales. Because most states do not have laws that preempt local regulation of tobacco sales,<sup>20</sup> communities can impose land use restrictions expressly regulating tobacco sales themselves in addition to regulating the secondary effects of to-



bacco use (such as premature death and disability and the illegal sale of tobacco products to minors).

Given that tobacco products produce a significant negative impact on the health and welfare of a community and are also associated with illegal behavior, it is reasonable—and certainly should meet the very low legal bar of being “rational”—for local governments to use their zoning powers to regulate the location of tobacco retailers. This government role is especially important in instances in which youth access is concerned. One study showed that 57% of 10th graders and 38% of 8th graders perceive that it would be easy for them to obtain cigarettes from a retail source,<sup>44</sup> and the best predictor of adolescent experimentation with cigarettes is the perception that they are easily available.<sup>45</sup>

The questioning of whether youth access laws control the availability of tobacco to youths<sup>46</sup> and the near inability of local governments to control tobacco advertising after the US Supreme Court's decision in *Lorillard v Reilly*<sup>47</sup> mean that new approaches are needed to control the accessibility, availability, and prominence of tobacco products in local communities. The effectiveness of tobacco-related land use controls in limiting the negative health consequences and illegal behavior associated with tobacco remains to be demonstrated. However, it is the fact that a positive effect is *plausible* that answers the threshold question of whether such controls are *legal*.

In the absence of evidence showing the particular types of tobacco-related land use controls that might produce better results, but with reflection on the lessons learned from the success of land use regulation in alcohol control, a variety of tobacco-related possibilities come to mind. For example, to diminish the harm caused by tobacco in a community, local governments can use zoning and CUPs to:

- Require that tobacco outlets be located away from areas frequented by children (e.g., schools, playgrounds, residential areas, and video arcades)<sup>48</sup>
- Restrict new discount tobacco outlets to light industrial or industrial zones to control access to cheap cigarettes among price-sensitive populations, especially young people<sup>49</sup>
- Limit the total number of tobacco outlets in a community if the city or county determines that sufficient outlets for tobacco products already exist<sup>50</sup>
- Limit the proximity of all tobacco outlets to each other, ensuring, for example, that a tobacco outlet does not occupy each corner at an intersection

#### Firearms Control and Land Use

Several California communities have invoked their land use authority to limit the location of firearms dealers to commercially zoned areas.<sup>48</sup> The city of Lafayette, Calif, enacted an ordinance that not only limited firearms dealers to commercial zones but also prohibited dealers from locating near elementary,

middle, and high schools; preschools; day-care centers; other firearms dealers; liquor stores and bars; and residentially zoned areas.<sup>48</sup> In upholding the city's ordinance, the California Court of Appeals confirmed that municipalities are entitled to confine commercial activities to certain districts and that they may further limit activities within those districts by requiring use permits: “It is well settled that a municipality may divide land into districts and prescribe regulations governing the uses permitted therein, and that zoning ordinances, when reasonable in object and not arbitrary in operation, constitute a justifiable exercise of police power.”<sup>48</sup> The legal issue, once again, is whether there is a rational basis for the zoning decision.<sup>48</sup>

#### Nutrition and Land Use

The same land use tools that control the location and operation of alcohol outlets, tobacco outlets, and firearms dealers logically can be extended to issues related to nutrition. Child and adolescent obesity is an epidemic in the United States.<sup>51</sup> Poor nutrition and physical inactivity are responsible for more preventable deaths in the United States than AIDS, violence, drugs, alcohol, and car crashes combined.<sup>52</sup>

The prevalence of “fast food” outlets offering menus filled with nutritionally deficient food and promoting “super-sized” portions, in combination with a scarcity of healthy alternatives, is an important public health issue. It is reasonable—and certainly “rational”—for a local government to

employ its land use powers to mitigate the rising epidemic of poor nutrition. One of many imaginable approaches would be to require restaurants falling below certain nutritional standards—perhaps in combination with other criteria—to obtain a CUP imposing any of a wide variety of restrictions.

The purpose of such a CUP is at least twofold: (1) to encourage restaurants to improve the nutritional quality of their food, or at least provide alternative healthy meals, and (2) to displace those “fast food” outlets that do not improve in an effort to open the marketplace to competition from healthier restaurants. Imagining only what could be done—not necessarily what should be done—local governments could impose on nutritionally deficient “fast food” restaurants land use requirements that:

- Prohibit the distribution of toys and promotional games, the presence of play equipment, or the presence of video or other games at fast food outlets
- Require fast food outlets to locate a minimum distance from youth-oriented facilities such as schools and playgrounds
- Limit the total number or per capita number of fast food outlets in a community
- Limit the proximity of all fast food outlets to each other
- Charge a fee to fast food outlets and use the proceeds to mitigate the impact of poor nutritional content (e.g., construct parks, fund after-school programs, or provide nutrition education)
- Prohibit drive-through service





## CONCLUSIONS

As these examples and possibilities demonstrate, the public health field is only beginning to take advantage of the potential inherent in the police powers of local governments to regulate and attach conditions to land use. In this context, further exploration of this promising approach and extension of its application to new arenas, such as tobacco and nutrition, appear even more significant as tools in the hands of public health authorities and advocates. ■

## About the Authors

Marice Ashe, Randolph Kline, and Rhonda Galaz are with the Technical Assistance Legal Center, Public Health Institute, Oakland, Calif. David Jernigan is with the Health Policy Institute, Georgetown University, Washington, DC.

Requests for reprints should be sent to Marice Ashe, JD, MPH, Technical Assistance Legal Center, Public Health Institute, 505 14th St, Suite 810, Oakland, CA 94612 (e-mail: mashe@phi.org).

This article was accepted May 22, 2003.

## Contributors

M. Ashe coordinated the team of authors who developed this article. She wrote the sections on police powers and land use controls. D. Jernigan collaborated on the concept and framing of the article and took primary responsibility for the section on alcohol control. R. Kline collaborated on the concept and framing of the article and took primary responsibility for the sections on tobacco control, gun control, and nutrition. R. Galaz provided some of the initial legal research and copyediting for the article.

## References

- Maantay J. Zoning, equity, and public health. *Am J Public Health*. 2001;91:1033–1041.
- Gostin LO. *Public Health Law: Power, Duty, Restraint*. Berkeley, Calif: University of California Press; 2000.
- Chicago, B. & O. Railway Co. v Illinois, 200 US 561, 592 (1906).
- Fulton W. *Guide to California Planning*. Point Arena, Calif: Solano Press; 1999.
- Teret SP, Christoffel T. Injury prevention and the law. In: Goodman R, Rothstein M, Hoffman R, et al., eds. *Law in Public Health Practice*. New York, NY: Oxford University Press Inc; 2003:399–415.
- Miller v Board of Public Works, 195 Cal 477, 484 (1925).
- Birkenfield v City of Berkeley, 17 Cal3d 129 (1976).
- Cosolidated Rock Products v. City of Los Angeles, 57 Cal2d 515, 522 (1962).
- Strumsky v San Diego County Employees Retirement Ass'n, 11 Cal3d 28, 34–35 (1974).
- Arnel Development Co. v City of Costa Mesa, 28 Cal3d 511, 524 (1980).
- Lockard v City of Los Angeles, 33 Cal2d 453, 460 (1949).
- Section V—police power. In: *The California Municipal Handbook*. Sacramento, Calif: League of California Cities; 2001:V1.
- Platt RH. *Land Use and Society: Geography, Law and Public Policy*. Washington, DC: Island Press; 1996.
- Barnett J. *Urban Design as Public Policy*. New York, NY: Architectural Record Books; 1974.
- Richards JG. Zoning for direct social control. *Duke Law J*. 1982;5:761–774.
- Village of Euclid v Amber Realty Co., 272 US 365 (1926).
- Saad v City of Berkeley, 24 Cal App 4th 1206 (1994).
- Ellickson RC, Tarlock AD. *Land-Use Controls: Cases and Materials*. Boston, Mass: Little Brown & Co; 1981.
- Lucky Stores Inc. v Board of Appeals of Montgomery County, 270 Md 513 (1973).
- Allied Vending v City of Bowie, 332 Md 279 (1993).
- Montgomery County v Atlantic Guns, 302 Md 540 (1985).
- Beauchamp D. *Beyond Alcoholism: Alcohol and Public Health Policy*. Philadelphia, Pa: Temple University Press; 1980.
- Bruun K, Edwards G, Lumio M, et al. *Alcohol Control Policies in Public Health Perspective*. Helsinki, Finland: Finnish Foundation for Alcohol Studies; 1975.
- Mäkelä K, Room R, Single E, et al. *Alcohol, Society, and the State: 1. A Comparative Study of Alcohol Control*. Toronto, Ontario, Canada: Addiction Research Foundation; 1981.
- Moore M, Gerstein D. *Alcohol and Public Policy: Beyond the Shadow of Prohibition*. Washington, DC: National Academy Press; 1981.
- Mosher JF, Jernigan D. Making the link: a public health approach to preventing alcohol-related violence and crime. *J Subst Use*. 2001;6:273–289.
- Room R, Rossow I. Share of violence attributable to drinking. *J Subst Use*. 2001;6:218–228.
- Gruenewald PJ, Ponicki WR, Holder HD. Relationship of outlet densities to alcohol consumption: a time series cross-sectional analysis. *Alcohol Clin Exp Res*. 1993;17:38–47.
- Edwards G, Anderson P, Babor TF, et al. *Alcohol Policy and the Public Good*. Oxford, England: Oxford University Press Inc; 1994.
- Parker DA, Wolz MW. Alcohol problems and the availability of alcohol. *Alcohol Clin Exp Res*. 1979;3:309–312.
- Colon I. Alcohol availability and cirrhosis mortality rates by gender and race. *Am J Public Health*. 1981;71:1325–1328.
- Rabow J, Watts RK. Alcohol availability and alcohol-related problems in 213 California cities. *Alcohol Clin Exp Res*. 1983;7:47–58.
- Scribner RA, MacKinnon DP, Dwyer JH. Alcohol outlet density and motor vehicle crashes in Los Angeles County cities. *J Stud Alcohol*. 1994;55:447–453.
- Graham K, Leonard K, Room R, et al. Alcohol and aggression: current directions in research on understanding and preventing intoxicated aggression. *Addiction*. 1998;93:650–676.
- Pernanen K. Prevention of alcohol-related violence. *Contemp Drug Problems*. 1998;25:477–509.
- Scribner RA, MacKinnon DP, Dwyer JH. Risk of assaultive violence and alcohol availability in Los Angeles County. *Am J Public Health*. 1995;85:335–340.
- Speer PW, Gorman DM, Labouvie EW, Ontkush MJ. Violent crime and alcohol availability: relationships in an urban community. *J Public Health Policy*. 1998;19:303–318.
- Alaniz ML, Cartmill RS, Parker RN. Immigrants and violence: the importance of neighborhood context. *Hispanic J Behav Sci*. 1998;20:155–174.
- Gorman DM, Speer PW, Gruenewald PJ, Labouvie EW. Spatial dynamics of alcohol availability, neighborhood structure and violent crime. *J Stud Alcohol*. 2001;62:628–636.
- Wittman F, Hilton M. Uses of planning and zoning ordinances to regulate alcohol outlets in California cities. In: Holder HD, ed. *Control Issues in Alcohol Abuse Prevention: Strategies for States and Communities*. Greenwich, Conn: JAI Press Inc; 1987:337–366.
- Wittman F. Local control to prevent problems of alcohol availability: experience in California communities. In: Plant M, Single E, Stockwell T, eds. *Alcohol: Minimizing the Harm. What Works?* New York, NY: Free Association Books Ltd; 1997:43–71.
- Korean American Legal Advocacy Foundation v City of Los Angeles, 23 Cal App 4th 376, 382–383, 390 (1994).
- City of Oakland v Superior Court, 45 Cal App 4th 740, 747–749, 756 (1996).
- Tobacco Control Section, California Dept of Health Services. Independent evaluation of the California Tobacco Control Prevention and Education Program: wave 2 data, 1998, wave 1 and wave 2 data comparisons 1996–1998. Available at: <http://www.dhs.ca.gov/tobacco/documents/Wave2Ereport.pdf>. Accessed November 24, 2001.
- Robinson LA, Klesges RC, Zbikowski SM, Glaser R. Predictors of risk for different states of adolescent smoking in a biracial sample. *J Consult Clin Psychol*. 1997;65:653–657.
- Ling PM, Landman A, Glantz SA. It is time to abandon youth access tobacco programs. *Tob Control*. 2002;11:2–5.
- Lorillard Tobacco Co. v Reilly, 533 US 525 (2001).
- Suter v City of Lafayette, 57 Cal App 4th 1109, 1133 (1997).
- Lakeland Lounge of Jackson Inc. v City of Jackson, Mississippi, 973 F2d 1255, 1258–1259 (5th Cir 1992).
- Van Sicklen v Browne, 15 Cal App 3d 122, 127–128 (1971).
- Centers for Disease Control and Prevention. Overweight and obesity. Available at: <http://www.cdc.gov/nccdphp/dnpa/obesity/index.htm>. Accessed June 30, 2003.
- McGinnis JM, Foege WH. Actual causes of death in the United States. *JAMA*. 1993;270:2207–2212.